

SENATE

S. No. 1890

INTRODUCED BY HONORABLE MAR ROXAS

EXPLANATORY NOTE

This bill seeks to streamline the operations of the Sandiganbayan by allowing its justices to sit individually and by narrowing down its jurisdiction. Specifically, it intends to allow individual justices of the Sandiganbayan to hear and receive evidence on an individual basis criminal and civil cases cognizable by the said court where (1) the information does not allege any damages or bribes, or alleges damages or bribes that are either unquantifiable or not quantified therein, or alleges quantified damages or bribes that amount to less than five (5) million pesos, and, (2) no official classified as Grade "30" or higher under the Compensation and Position Classification Act of 1989 is involved.

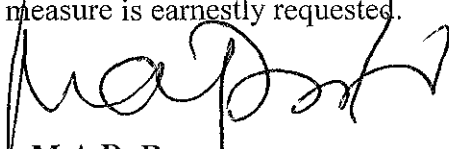
It also seeks to narrow down its jurisdiction by transferring cases to the regional trial courts where (1) none of the accused are occupying positions corresponding to salary grade "29" as prescribed in the Compensation and Position Classification Act of 1989, and, (2) where the information does not allege any damages or bribes, or alleges damages or bribes that are either unquantifiable or not quantified therein, or alleges quantified damages or bribes that amount to one (1) million pesos only or less.

An analysis of the records of the Sandiganbayan reveal that in the year 2003, it took the special court an average of six (6) years and ten (10) months to decide each case it was tasked to resolve. According to the Office of the Ombudsman, in the year 2004, each Sandiganbayan division scheduled only two (2) hearings for some cases at an average of one (1) every three (3) months, due to the number of cases being heard by every division. Furthermore, of the more than two thousand (2,000) cases pending before the Sandiganbayan, seven hundred ninety-three (793) cases involved municipal mayors and other officials with salary grade 27/28 and the alleged amount of injury and/or bribe received is only one (1) million pesos or less.

As much as the ideal solution would be to add more Justices and/or Divisions in the Sandiganbayan, it is recognized that such a response will require a budget increase, which the country presently cannot provide. A logical alternative therefore would be to rationalize the present jurisdiction of the Sandiganbayan and take full advantage of the expertise of its individual justices so that it will be able to promptly hear and decide bigger graft and corruption cases.

It is essential for the Sandiganbayan to conduct expeditious trials and speedy disposition of cases to impress upon the public its degree of responsibility, integrity, and accountability at all times. Rationalizing its current structure and narrowing down the jurisdiction of the Sandiganbayan will make this special court more capable in performing its principal function of eliminating graft and corruption in the government service.

In view of the foregoing, the immediate enactment of this measure is earnestly requested.


MAR ROXAS
Senator

5 JUL 25 1976

SENATE

S. No. 1890

INTRODUCED BY HONORABLE MAR ROXAS

AN ACT
STREAMLINING THE JURISDICTION OF THE SANDIGANBAYAN,
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1606, AS
AMENDED BY R.A. NO. 7975 AND R.A. NO. 8249, AND FOR OTHER
PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 4, paragraphs A and B, of the same decree is hereby further amended to read as follows:

"Sec. 4. Jurisdiction. — THE SANDIGANBAYAN SHALL EXERCISE EXCLUSIVE ORIGINAL JURISDICTION IN ALL CASES INVOLVING:

"A. Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter II, Section 2, Title VII, Book II of the Revised Penal Code, where one or more of the accused are officials occupying the following positions in the government, whether in a permanent, acting or interim capacity, at the time of the commission of the offense:

"(1) SUBJECT TO THE PROVISIO IN PARAGRAPH (5) HEREOF, [O] Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as Grade '27' and higher, of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:

"(a) Provincial governors, vice-governors, members of the sangguniang panlalawigan, and provincial treasurers, assessors, engineers, and other city department heads;

"(b) City mayor, vice-mayors, members of the sangguniang panlungsod, city treasurers, assessors, engineers, and other city department heads;

"(c) Officials of the diplomatic service occupying the position of consul and higher;

"(d) Philippine army and air force colonels, naval captains, and all officers of higher rank;

"(e) Officers of the Philippine National Police while occupying the position of provincial director and those holding the rank of senior superintendent or higher;

"(f) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and Special Prosecutor;

"(g) Presidents, directors or trustees, or managers of government-owned or controlled corporations, state universities or educational institutions or foundations.

"(2) Members of Congress and officials thereof classified as Grade '27' and up under the Compensation and Position Classification Act of 1989;

"(3) Members of the judiciary without prejudice to the provisions of the Constitution;

"(4) Chairmen and members of Constitutional Commission, without prejudice to the provisions of the Constitution; and

"(5) All other national and local officials classified as Grade '27' and higher under the Compensation and Position Classification Act of 1989; ***PROVIDED, THAT, WHERE NONE OF THE ACCUSED ARE OCCUPYING POSITIONS CORRESPONDING TO SALARY GRADE "29" AS PRESCRIBED IN THE SAME COMPENSATION AND POSITION CLASSIFICATION ACT OF 1989, AND, THE INFORMATION FILED DOES NOT ALLEGE ANY DAMAGES OR BRIBES; OR ALLEGES DAMAGES OR BRIBES THAT ARE UNQUANTIFIABLE OR NOT QUANTIFIED THEREIN; OR ALLEGES QUANTIFIED DAMAGES OR BRIBES THAT AMOUNT TO ONE (1) MILLION PESOS ONLY OR LESS, EXCLUSIVE ORIGINAL JURISDICTION THEREOF SHALL BE VESTED IN THE PROPER REGIONAL TRIAL COURT; PROVIDED, FURTHER, THAT ANY CASE INVOLVING OFFICIALS CLASSIFIED AS GRADE "27" OR "28", OVER WHICH THE REGIONAL TRIAL COURT HAS EXCLUSIVE ORIGINAL JURISDICTION BY VIRTUE OF THIS PARAGRAPH, SHALL BE TRIED, SUBJECT TO RULES PROMULGATED BY THE SUPREME COURT, IN THE TRIAL COURT OF A DIFFERENT REGION FROM WHERE THE OFFICIAL IS STATIONED.***"

"B. Other offenses or felonies committed by the public officials and employees mentioned in subsection (a) of this section in relation to their office.

"C. Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1,2,14 and 14-A.

"In cases where none of the accused are occupying positions corresponding to salary grade '27' or higher, as prescribed in the said Republic Act No. 6758, or military or PNP officers mentioned above, exclusive original jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court and municipal circuit trial court ' as the case may be, pursuant to their respective jurisdiction as provided in Batas Pambansa Blg. 129, as amended.

"The Sandiganbayan shall exercise exclusive appellate jurisdiction over final judgments, resolutions or orders or regional trial courts whether in the exercise of their own original jurisdiction or of their appellate jurisdiction as herein provided.

" The Sandiganbayan shall have exclusive original jurisdiction over petitions for the issuance of the writs of mandamus, prohibition, certiorari, habeas corpus, injunctions, and other ancillary writs and processes in aid of its appellate jurisdiction and over petitions of similar nature, including quo warranto, arising or that may arise in cases filed or which may be filed under Executive Order Nos. 1,2,14 and 14-A, issued in 1986: Provided, That the jurisdiction over these petitions shall not be exclusive of the Supreme Court.

"The procedure prescribed in Batas Pambansa Blg. 129, as well as the implementing rules that the Supreme Court has promulgated and may hereafter promulgate, relative to appeals/petitions for review to the Court of Appeals, shall apply to appeals and petitions for review filed with the Sandiganbayan. In all cases elevated to the Sandiganbayan and from the Sandiganbayan to the Supreme Court, the Office of the Ombudsman, through its special prosecutor, shall represent the People of the Philippines, except in cases filed pursuant to Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

"In case private individuals are charged as co-principals, accomplices or accessories with the public officers or employees, including those employed in government-owned or controlled corporations, they shall be tried jointly with said public officers and employees in the proper courts which shall exercise exclusive jurisdiction over them.

"Any provisions of law or Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability shall at all times be simultaneously instituted with, and jointly determined in, the same proceeding by the Sandiganbayan or the appropriate courts, the filing of the criminal action being deemed to necessarily carry with it the filing of the civil action, and no right to reserve the filing of such civil action separately from the criminal action shall be recognized: Provided, however, That where the civil action had therefore been filed separately but judgment therein has not yet been rendered, and the criminal case is hereafter filed with the Sandiganbayan or the appropriate court, said civil action shall be transferred to the Sandiganbayan or the appropriate court, as the case may be, for consolidation and joint determination with the criminal action, otherwise the separate civil action shall be deemed abandoned."

SECTION 2. Section 5 of the same decree is hereby further amended to read as follows:

Section 5. Proceedings, how conducted; votes required. — (A) **THE SANDIGANBAYAN SHALL DESIGNATE A JUSTICE TO HEAR THE CASE AND RECEIVE EVIDENCE IN CASES WHEREIN:**

A) THE INFORMATION FILED -

- I. DOES NOT ALLEGE ANY DAMAGES OR BRIBES; OR**
- II. ALLEGES DAMAGES OR BRIBES THAT ARE EITHER UNQUANTIFIABLE OR NOT QUANTIFIED THEREIN; OR**
- III. ALLEGES QUANTIFIED DAMAGES OR BRIBES THAT AMOUNT TO LESS THAN FIVE (5) MILLION PESOS; AND**

B) NO OFFICIAL CLASSIFIED AS GRADE 30 OR HIGHER UNDER THE COMPENSATION AND POSITION CLASSIFICATION ACT OF 1989 IS INVOLVED.

THE JUSTICE ASSIGNED SHALL IMMEDIATELY SUBMIT TO THE DIVISION HIS FINDINGS, REPORTS, AND RECOMMENDATIONS WITHIN FIVE (5) DAYS FROM THE COMPLETION OF SUCH SUBMISSION OF EVIDENCE. THE DIVISION SHALL RENDER ITS DECISION WITHIN FIVE (5) DAYS FROM RECEIPT THEREOF.

(B) ALL OTHER CASES SHALL BE HEARD AND DECIDED BY THE DIVISION.

(c) The unanimous vote of the three justices in a division shall be necessary for the pronouncement of a judgment. In the event that the three justices do not reach a unanimous vote, the Presiding Judge shall designate two other justices from among the members of the Court to sit temporarily with them, forming a division of five justices, and the concurrence of a majority of such division shall be necessary for rendering judgment.

SECTION 3. Separability Clause. — If for any reason any provision of this Act is declared unconstitutional or invalid, such parts or portions not affected thereby shall remain in full force and effect.

SECTION 4. Repealing Clause. — All acts, decrees, general orders and circulars, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 5. Effectivity. — This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,